

### **REMARKS**

Applicants have carefully reviewed this Application in light of the Final Office Action mailed September 27, 2007, and Advisory Action mailed November 30, 2007. Claims 1-37 are pending in this Application. Claims 1-12 and 21-33 were previously withdrawn due to an election/restriction requirement. Claims 13-20 and 34-37 stand rejected under 35 U.S.C. § 103(a). Applicants respectfully request reconsideration and favorable action in this case.

#### **Status of Claims**

The Office Action states, "Claims 1-12 and 21-33 have been cancelled and will not be considered for further prosecution." (Office Action, Page 2). However, Claims 1-12 and 21-33 were marked with the status identifier of "Withdrawn" in the Response to Election Restriction Requirement filed April 19, 2007, in accordance with M.P.E.P. § 714 (II)(C)(A), which provides that Applicants may mark non-elected claims with the status identifier of "Withdrawn." Additionally, 37 CFR § 1.142(b) provides for claims to be withdrawn "subject however to reinstatement in the event the requirement for restriction is withdrawn or overruled." Accordingly, Applicants respectfully request that the Examiner mark Claims 1-12 and 21-33 as "Withdrawn" as so marked in the earlier and current responses.

#### **Rejections under 35 U.S.C. § 103**

Claims 13-20, 34, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,537,669 issued to David M. Evans et al. ("*Evans*") in view of U.S. Patent No. 4,725,142 issued to Mark Sharnoff ("*Sharnoff*").

Claims 35 and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans* in view of *Sharnoff* and in further view of U.S. Patent No. 6,628,845 issued to Harold S. Stone et al. ("*Stone*").

*Evans* discloses a hybrid technique for finding defects on digitized device images using a combination of spatial domain and frequency domain techniques. (Col. 2, lines 57-60). The two dimensional spectra of two images are found using Fourier-like transforms. (Col. 2, lines 60-61). Any strong harmonics in the spectra are removed, using the same

spectral filter on both spectra. (Col. 2, lines 61-63). The images are then aligned, transformed back to the spatial domain, then subtracted. (Col. 2, lines 63-64).

*Sharnoff* discloses a technique for the study of strains imposed by stress utilizing differential holography. (Col. 1, lines 26-37).

Claim 13 and 17 each recite a method for registering holographic images including “separately performing a sideband extraction operation on the resulting first holographic image and the second holographic image.”

Applicants respectfully submit that there is no motivation, teaching, or suggestion to combine the cited references. In addition, even assuming *arguendo* that the combination of *Evans* and *Sharnoff* is proper (which Applicants do not concede), Applicants submit that the combination of *Evans* and *Sharnoff* fails to teach, disclose or suggest all of the elements of the claimed embodiment of the invention. Specifically, *Evans* and *Sharnoff*, alone or in combination, fail to teach, disclose or suggest a method for registering holographic images including “separately performing a sideband extraction operation on the resulting first holographic image and the second holographic image,” as recited by Claims 13 and 17.

In rejecting Claims 13 and 17, the Examiner alleges that elements 8 and 8' and Col. 10, lines 42-45 of *Evans* discloses a method for registering holographic images including “separately performing a sideband extraction operation on the resulting first holographic image and the second holographic image.” (Final Office Action, Pages 3 and 5). However, the portion of *Evans* cited by the Examiner merely discloses that:

At step (8) (FIG. 1) those harmonics are removed by zeroing them out.  
In the memory containing the data values of the transform, the data points that correspond to the ridges are replaced with zero values..

(Col. 10, lines 42-45) (emphasis in original).

Thus, the cited portion of *Evans* merely teaches zeroing out harmonics in a frequency domain representation of a device following the taking of the transform (*see, e.g.*, Col. 10, lines 25-45). However, the cited portion of *Evans*, in addition to the remainder of *Evans*, fails to disclose a sideband extraction of a holographic image, much less a sideband extraction for two holographic images. Therefore, *Evans* fails to teach or suggest “calculating separately performing a sideband extraction operation on the resulting first holographic image and the second holographic image,” as recited in Claims 13 and 17. For at

least these reasons, Applicants respectfully submit that Claims 13 and 17 are not rendered obvious by the combination of *Evans* and *Sharnoff*.

Given that Claims 14-16 and 34-35 depend from Claim 13 and Claims 18-20 and 36-37 depend from Claim 17, Applicant submits that Claims 14-16, 18-20 and 34-37 are also allowable. As such, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) and full allowance of Claims 13-20 and 34-37, as amended.

**Request for Continued Examination (RCE)**

Applicants respectfully submit herewith a Request for Continued Examination (RCE) Transmittal and authorize the Commissioner to charge the filing fee of \$405.00 to Deposit Account No. 50-2148 of Baker Botts L.L.P.

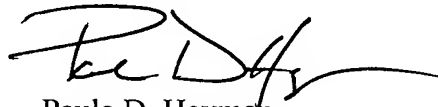
**CONCLUSION**

Applicants appreciate the Examiner's careful review of the application. Applicants have now made an earnest effort to place this case in condition for examination and allowance. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 13-20 and 34-37, as amended.

Applicants enclose a Request for Continued Examination and Amendment (RCE) and Petition for a Three Month Extension of Time. Applicants authorize the Commissioner to charge the \$405.00 RCE fee and the \$525.00 Three Month Extension of Time fee to Deposit Account No. 50-2148 of Baker Botts L.L.P. Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2581.

Respectfully submitted,  
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Date: March 21, 2008

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